

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12171 of 2022

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Laliteshwar Yadav Shivbalak Yadav Resident of Village and P.O.-Manglapur,
P.S.-Sangrampur, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. Bihar, Patna.
3. The District Magistrate, East Champaran, Motihari.
4. The District Education Officer, East Champaran, Motihari.
5. The District Programme Officer (Establishment), East Champaran, Motihari.
6. The Supervisor-Cum-Officer Assistant, Office of the District Programme Officer (Establishment), East Champaran, Motihari.
7. The Block Education Officer, Block-Kesaria, District-East Champaran, Motihari
8. The Block Development Officer, Block-Kesaria, District-East Champaran, Motihari
9. The Deputy Collector of Land Records, East Champaran, Motihari.
10. The Member Secretary, Panchayat Teacher Employment Unit-Cum-Panchayat Secretary, Gram Panchayat-Raj Sarottar West, Block-Kesaria, East Champaran,
11. The Principal, Navin Primary School, Alola, Ward No.10, Sarottar, Block-Kesaria, District-East Champaran,

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan
For the State : Mr. Subhash Chandra Mishra (SC16)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 04-01-2023

1. Heard the parties.

2. The petitioners pray that their salary be released.

3. Keeping in view the observations made by this Court in **C.W.J.C No. 22186 of 2019 (Pallavi Kumari Vs. State of Bihar & Ors.)** and analogous cases dated 29.11.2022 has held as under:-



“8. Keeping in view above, it is directed that the salary of the teachers shall not be withheld on excuses as above and arrears of salary shall also be released. Fund in this regard shall be made available by the Education Department to the concerned employment units for the purpose of payment. It is made clear that if the arrears are not released within a stipulated period of four months from today, the teachers would be entitled to receive interest on the arrears of the amount of salary at the rate of nine per cent. The interest amount shall be recoverable from the respective District Education Officers/ District Programme Establishment Officer.

9. If the salary/arrears of salary are not released, the concerned teacher would also be entitled to file an appeal before the respective District Appellate Authority. If such an appeal is preferred, the same shall be decided expeditiously within a period of three months. If required, the District Appellate Authority/State Appellate Authority would be also empowered to impose penalty in terms of Rule 16 of the Rules of 2020 which provides as under:

“16. Power to impose Punishment:-

In case of non-compliance of the order/direction or in case of any complaints by the party for compliance of the order:-

(i) The Appellate Authority shall impose punishment against-concerned party but he will be given adequate opportunity of hearing before imposing punishment.

(ii) The Appellate Authority may impose penalty upto Rs. 50,000/- (Fifty thousand only) upon the answerable party. The amount of penalty shall be deposited in the Treasury under the head indicated by the Department. The amount of penalty shall be recoverable by way of Public demand.

(iii) The Appellate Authority shall have jurisdiction to make recommendation to the



concerned Department to initiate Departmental proceeding or to take necessary action against the delinquent employee under the provisions of Bihar Service Code/Bihar Panchayat Raj Act 2006/Bihar Municipal Act 2007 and other relevant provisions.”

4. Keeping in view above, the same directions are held to be applicable in the present case *mutatis mutandis*.
5. The writ petition is allowed.

(Sanjeev Prakash Sharma, J)

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